

**DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

**MELVIN A. PETRUS**

**v.**

**U.S. GOVERNMENT**

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**CIVIL ACTION**

**NO. 16-53**

**MEMORANDUM**

**Savage, J.**

**February 25, 2020**

In this action brought under the Federal Tort Claims Act, 28 U.S.C. § 2679, plaintiff Melvin Petrus alleges that he suffered a rash after he was administered flu and shingles vaccines at the Veterans Administration facility. He candidly avers that a biopsy did not identify the vaccines as the cause of his rash. Nevertheless, without any basis to connect the rash to any act of the government, he asserts a claim for strict liability.

The FTCA waives the United States' sovereign immunity for negligence. 28 U.S.C. § 2674. It does not for strict liability. *Ward v. United States*, 471 F.2d 667, 670 (3d Cir. 1973) (citing *Laird v. Helms*, 406 U.S. 797 (1972)). The government is not a guarantor of the plaintiff's health and safety. The FTCA precludes imposition of liability where there is no negligence. *Id.* Thus, in the absence of any negligence, the FTCA does not waive immunity.